IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2595 OF 2004
IN
WRIT PETITION NO.634 OF 2001

Eva D'cunha & Ors. .. Applicants
V/s
The State of Maharashtra & Ors. .. Respondents

Mr.K.K.Malpathak for the Applicants.
Mr.R.M.Patne, AGP for the Respondents 1.
Mr.M.V.Limaye h/f Mr.R.S.Apte for Resp.Nos. 2 to 4.

CORAM: S.RADHAKRISHNAN & S.A.BOBDE, JJ.
DATE : 20.10.2004.

P.C.:

1. Heard the learned Counsel for the Applicants, the learned Counsel for Respondent Nos.2 to 4 and and the learned AGP for the Respondent No.1. Rule. Rule is made returnable forthwith by consent.

2. By this Civil Application Applicants are seeking to recall the order dated 4th October, 2004 whereby the Writ Petition was dismissed in default. Perused the Civil Application. For the reasons stated therein sufficient cause is made out for recalling the order of dismissal and for restoring the Writ Petition. There is no case of inaction, negligence or want of bonafide on the part of the Applicants. Hence Civil Application is made absolute in terms of prayer clause (a). Place the Writ Petition on board for final hearing on 1.12.2004.

(S.RADHAKRISHNAN,J.)

(S.A.BOBDE,J.)